

Application No.: 09/828,764

Docket No.: 99-808 RCE3

**REMARKS**

The present amendment is intended to be fully responsive to the Office Action having a mailing date of January 7, 2005. Claims 6, 14, 15, 23 and 24 have been amended. Claims 13 and 22 have been canceled. Claims 26 and 27 have been added. Claims 6-12, 14-21 and 23-27 are pending. No new matter has been added by this amendment.

Applicant thanks the Examiner for indicating that claims 9 and 18 would be allowable if rewritten to include all the limitations of the respective base claims and any intervening claims. New independent claims 26 and 27 include the limitations of dependent claims 9 and 18, respectively.

In the Office Action, the Examiner has rejected claims 6-8, 10-17 and 19-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,754,938 to Herz et al. ("Herz") in view of U.S. Patent No. 6,327,574 to Kramer et al. ("Kramer"). Applicant traverses these rejections and respectfully requests reconsideration, based on the following.

Herz describes a system and method for customized electronic identification of desirable objects, such as news articles, in an electronic media environment. Herz also describes a target profile for the objects and a target profile interest summary for each user. The system then evaluates the target profiles against the users' target profile interests summaries to generate a user customized rank ordered listing of target objects most likely to be of interest to the user without requiring the user to expend an excessive amount of time and energy. (Herz, col. 1, lines 1-29; col. 4, lines 38-41.)

Kramer describes the modeling of consumer attribute vectors for targeting content in a privacy preserving manner. According to Kramer, consumer profiles are developed and maintained with information reflecting the consumer's online and offline transactions. The consumer profiles include hierarchical attribute vectors which encode attributes of a consumer at progressively higher levels of abstraction. Documents delivered to the consumer may be customized for the particular preferences of the consumer based on the attribute vectors. (Kramer, Abstract; col. 2, line 56 through col. 3, line 9.)

In contrast to Herz and Kramer, claim 6 recites a method that includes:

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defining at least one category as containing documents that may be retrieved;  
associating at least one supercategory with multiple categories including said at least one category by mapping the multiple categories to the at least one supercategory;  
associating an advertisement with at least one of said supercategories, the advertisement being separate from the documents contained in the at least one category;  
determining at least one term associated with a user search query;  
determining a first of said at least one supercategory based on at least one term of said user search query and said multiple categories of the at least one supercategory;  
forming a banner ad term list, each element in said banner ad term list including terms of said first supercategory and terms of said at least one category associated with said first supercategory; and  
displaying an advertisement associated with said first supercategory.

Independent claim 15 recites a computer program product that includes computer executable code to perform similar actions, independent claim 24 recites an apparatus that includes means for performing similar actions.

Neither Herz nor Kramer, either taken alone or in combination, teach or suggest a method (or apparatus) for targeting advertisements that include all of the limitations of claims 6, 15 or 24. For example, neither Herz nor Kramer describe forming a banner ad term list where each element in the banner ad term list includes terms of the first supercategory and terms of the at least one category associated with the supercategory, as is recited in independent claims 6, 15, and 24. In fact, the Examiner has conceded in the Office Action that neither Herz nor Kramer teach "forming a banner ad term list." (Office Action, ¶ 11.)

Since neither Herz nor Kramer teach or suggest all of the limitations of claims 6, 15 and 24, these claims are patentable over Herz and/or Kramer, and Applicant therefore respectfully requests that the Examiner withdraw the rejections of claims 6, 15 and 24. As each of claims 7-12, 14, 16-21, 23 and 25 are dependent from one of independent claims 6, 15 or 24, and therefore includes all of the limitations of its respective independent base claim, claims 7-12, 14, 16-21, 23 and 25 are patentable over Herz and/or Kramer for at least the same reasons as

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claims 6, 15 and 24.<sup>1</sup> Applicant thus respectfully requests that the examiner withdraw the rejections as to claims 7-12, 14, 16-21, 23 and 25 as well.

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<sup>1</sup> As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

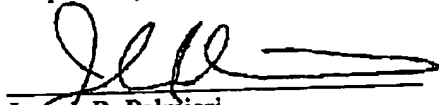
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CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance.<sup>2</sup> Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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<sup>2</sup> Since Applicant's remarks with respect to rejections based on alleged prior art are sufficient to overcome the Examiner's rejections, Applicant's silence as to certain requirements or other arguments applicable to the rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.